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NANOSTRING TECHNOLOGIES, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

FLUIDIGM CORPORATION, a Delaware
 corporation,

Plaintiff,

v.

NANOSTRING TECHNOLOGIES, INC.,
 a Delaware corporation,

Defendant.

Case No. C 12-05712-RS

**JOINT STIPULATION TO EXTEND
 SEPTEMBER 30, 2013 DEADLINES
 PURSUANT TO ORDERS AT
 DKT. NO. 56 AND DKT. NO. 57**

1 Plaintiff Fluidigm Corporation (“Fluidigm”) and Defendant NanoString Technologies,
2 Inc. (“NanoString”) file this joint stipulation to extend the following deadlines pursuant to
3 Federal Rules of Civil Procedure 6(b) and Civil Local Rule 6-2(a) of the United States District
4 Court for the Northern District of California:

5
6 1. Plaintiff Fluidigm’s declaration or a response/objection to the declaration of Chris
7 Grimley, Dkt. No. 47, from September 30, 2013 to October 2, 2013;

8 2. Plaintiff Fluidigm’s declaration, including supporting materials, limited to
9 responding to the argument regarding reverse transcriptase made by NanoString on reply (Sep. 6,
10 2013) from September 30, 2013 to October 2, 2013; and

11 3. Defendant NanoString’s privilege log from September 30, 2013 to October 2,
12 2013.

13
14 The above deadlines were set by the Order re: NanoString’s Motion to Protect
15 Confidentiality and Related Motions for Leave to File Under Seal on September 23, 2013, Dkt.
16 No. 57, and Order re: Joint Letter Concerning Dispute Over Clawback of Documents Subject to a
17 Claim of Privilege on September 23, 2013, Dkt. No. 56.

18 Over the court of the past week, the parties have been working in good faith towards a
19 settlement of the matter. Both parties have met and conferred, and agree that good cause exists to
20 modify the dates above by two days. The proposed modification of the above-listed deadlines in
21 this case will not affect any other deadlines.

22
23 To date, the parties have extended:

24 1. NanoString’s time to answer the Complaint, from December 12, 2012 to
25 December 21, 2012, pursuant to Federal Rules of Civil Procedure 6(b) and Civil Local Rule 6-
26 1(a) of the United States District Court for the Northern District of California;

27 2. The close of fact discovery from September 12, 2013 to October 25, 2013, by
28

1 Stipulation and Order (Dkt. No. 31), and from October 25, 2013 to November 8, 2013 by
2 Stipulation and Order (Dkt. No. 59);

3 3. The initial expert disclosures from October 11, 2013 to October 18, 2013 by
4 Stipulation and Order (Dkt. No. 31), and from October 18, 2013 to November 8, 2013 by
5 Stipulation and Order (Dkt. No. 59);
6

7 4. All designations of supplemental and rebuttal experts from November 8, 2013 to
8 November 15, 2013 by Stipulation and Order (Dkt. No. 31), and from November 15, 2013 to
9 December 5, 2013 by Stipulation and Order (Dkt. No. 59); and

10 5. The close of expert discovery from December 13, 2013 to December 20, 2013 by
11 Stipulation and Order (Dkt. No. 31), and from December 20, 2013 to December 19, 2013 by
12 Stipulation and Order (Dkt. No. 59).
13

14 **THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE**, by and
15 through their attorneys of record that, subject to the Court's approval, certain deadlines shall be
16 modified as follows: Plaintiff Fluidigm will be permitted to file a declaration or a
17 response/objection to the declaration of Chris Grimley, no later than October 2, 2013; Plaintiff
18 Fluidigm will be permitted to file a declaration, including supporting materials, limited to
19 responding to the argument regarding reverse transcriptase made by NanoString on reply no later
20 than October 2, 2013; and Defendant NanoString's deadline to serve its privilege log will be
21 extended to October 2, 2013.
22

23 **IT IS SO STIPULATED.**
24
25
26
27
28

1 Dated: September 30, 2013

Fulbright & Jaworski LLP

2 By: /s/Kathy Grant

Kathy Grant

3 *Attorneys for Plaintiff*

FLUIDIGM CORPORATION

4
5 Dated: September 30, 2013

Orrick, Herrington & Sutcliffe LLP

6 By: /s/Jeff Cox

Jeffrey L. Cox

7 *Attorneys for Defendant*

NANOSTRING TECHNOLOGIES, INC.

8
9 **FILER'S ATTESTATION**

10 Pursuant to Civil LR 5.1(i)(3), the undersigned hereby attest that concurrence in the filing
11 of this **JOINT STIPULATION TO EXTEND SEPTEMBER 30, 2013 DEADLINES**
12 **PURSUANT TO ORDERS AT DKT. NO. 56 AND DKT. NO. 57** has been obtained from
13 counsel for NanoString Technologies and is electronically signed with the express permission of
14 Defendant's counsel.

15 By: /s/Kathy Grant

16 Kathy Grant

17 *Attorneys for Plaintiff*

18 FLUIDIGM CORPORATION

CERTIFICATE OF SERVICE

I certify that the **JOINT STIPULATION TO EXTEND SEPTEMBER 30, 2013 DEADLINES PURSUANT TO ORDERS AT DKT. NO. 56 AND DKT. NO. 57** was served in compliance with FED. R. CIV. P. 5(b) on counsel of record for Defendant NanoString Technologies, Inc. identified below in the manner indicated on this the 30th day of September, 2013:

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Executed on September 30, 2013.

/s/Kathy Grant

Kathy Grant

Attorneys for Plaintiff